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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,691	01/13/2000	Nicola John Policicchio	6553D	7347

27752 7590 07/30/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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CINCINNATI, OH 45224

EXAMINER

SPISICHI, MARK

ART UNIT	PAPER NUMBER
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1744

25

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,691

Applicant(s)

POLICICCHIO ET AL.

Examiner

Mark Spisich

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-- Th MAILING DATE of this communication appears on th cover sh t with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23,25-27,32-34 and 61-67 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 21-23,25-27 and 32-34 is/are allowed.

- 6) ☒ Claim(s) 61-67 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.

- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 61-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4,300,920 (hereinafter '920) in view of Nichols (USP 5,609,255). '920 discloses a cleaning pad having an upper and a lower surface and further wherein the pad includes a material which is super-absorbent (see page 4 of the translation, lines 3-8 and page 3, lines 5-16) as recognized by one of ordinary skill in the art. '920 discloses the invention substantially as claimed with the exception of the pad having "multiple widths in the z-direction". The patent Nichols discloses a mop pad (28) which is, as is '920, readily attachable to a support head (1) and which has a lower surface defining the recited multiple widths in the z-direction. It would have been obvious to one of ordinary skill in the art to have modified the shape/configuration of the mop pad of '920 as such so as to present a smaller surface area to the surface being cleaned. '920 discloses a scrubbing (the mesh material 8) as well as an absorbent layer (the material covered by the mesh) (claim 62). The particular percentage of the component of the absorbent material which makes the layer super-absorbent (claim 63) would be obvious to one of ordinary skill in the art so as to modify the absorbency, etc. Routine optimization of a prior art device does not constitute an inventive step. Any porous scrubbing material such as the net

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(9) of '920 would allow fluid communication between it and the absorbent layer (claim 64). '920 further discloses an attachment layer (5,6) for attaching the pad to a support head (1) and wherein the absorbent layer is disposed between attachment layer and the scrubbing layer (claim 65). Once there is a teaching in the art of an absorbent mop pad being a super-absorbent, one of ordinary skill would recognize that various known super-absorbents could readily be used instead based on availability, cost, desired properties (claim 66). The extreme sides of the mop pad shape/configuration of Nichols define the at least two discrete surfaces as they are broadly defined in claim 67.

Allowable Subject Matter

3. Claims 21-23,25-27 and 32-34 are allowed.
4. With regard to claims 61-67, the examiner (for the sake of being consistent with the prior Board decision in 09/456,968) would be willing to allow a claim to the cleaning pad which included all the limitations of claim 21 with the exception of the handle (part "b" of claim 21). This would essentially be claim 65 in independent form (which depends on 61,62 and 64) with the further limitation that is found in part iii of claim 21.

Response to Arguments

5. Applicant's arguments filed 30 June 2003 have been fully considered but they are not persuasive. First of all, applicant's argument with regard to claim 21 which involved a comparison of the scope of claim 1 of 09/456,968 (which was allowed subsequent to a Board decision) has been deemed persuasive. Applicant's primary argument with regard to claim 61 pertains to the term "super-absorbent". Firstly, it is felt that DE 4,300,920 ('920) does disclose such a material as this term is recognized by one of

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ordinary skill (see page 4 of translation, lines 3-8). Applicant has referred to a "definition" of this term which is found on page 10 of the present application. This definition is noted; however, the specification also includes numerous other definitions for this term (see, for example, page 8, lines 1-13). The definition of this term in claim 61 must further be interpreted in light of the common definition which would be known to one of ordinary skill in the art. This is believed to be met by '920, which discloses that the pad may absorb up to 1400% of its weight in water (see translation page 4, line 4). In addition, '920 does disclose that the pad, which is comprised of a blend of cotton and regenerated cellulose, may have a water absorbency which ranges from 600% to 1400% of its own weight. Further modifications of the relative proportions of the cotton to the cellulose to result in an absorbency even greater than 1400% would be obvious to one having ordinary skill in the art and which could be arrived at through routine experimentation.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Mark Spisich
Primary Examiner
Art Unit 1744

MS
July 30, 2003